

REMARKS

By the preceding amendments, claim 1 has been amended to incorporate the limitations of claim 5, which has been cancelled, and claim 8 has been amended to incorporate the limitations of claim 9, which has been cancelled. Claim 6 has been amended to depend upon claim 1, rather than upon claim 5, and claim 10 has been amended to depend upon claim 8, rather than upon claim 9.

Accordingly, claim 1 and claim 12, which are the independent claims, recite, similarly, that "both said front and back portions comprise breathable moisture and thermal barriers, said heat-reflective layer overlying said barriers, over substantially the entire front portion."

You are requested to withdraw the rejection of claims 1, 2, 8, and 12 under 35 U.S.C. § 102(a) as being unpatentable over Lewis *et al.* '534 (U.S. 6,766,534).

Referring to Lewis '375 (U.S. 6,662,375) which the primarily examiner mistakenly referred to as "Lewis *et al.*", the primary examiner wrote in the Office Action noted above that "[t]he material disclosed in the prior art rejections in the first Office Action are disclosed in Lewis *et al.* '375." Respectfully, the undersigned attorney submits that Lewis '375 does not disclose "[t]he material disclosed in the prior art rejections in the first Office Action[.]"

In the first Office Action, the primary examiner wrote that Lewis *et al.* ['534] discloses a firefighter protective garment 200 having a back portion 230 that is breathable to allow air and water vapor to pass therethrough and a front portion 220 including a fluid-impervious, heat-reflective layer that is continuous from a region near the top of the garment to a region near the bottom of the garment 200."

Actually, neither Lewis '375 nor the prior publication of its underlying application as Publication No. US 2003/0204894 A1 discloses or suggests that any material, section, or layer of the disclosed hood is or may be heat-reflective.

So as to avert a possible rejection of any of the claims under 35 U.S.C. § 103(a) as being unpatentable over Publication No. US 2003/0204894 A1, by which the application for Lewis '375 was published, as filed, a "disclaiming" affidavit of William L. Grilliot and Mary I. Grilliot, the inventors named in the present application, is submitted herewith. M.P.E.P § 2132.01, second paragraph, applies here.;

You are asked to reconsider the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Worton (U.S. 4,890,336) in view of La Marre *et al.* (U.S. 3,691,564).

As mentioned above, the independent claims now recite, similarly, that "both said front and back portions comprise breathable moisture and thermal barriers, said heat-reflective layer overlying said barriers, over substantially the entire front portion."

Worton discloses an insulating lining may be provided for wintertime usage (column 2, lines 2 through 4) but does not disclose or suggest that the fabric of the disclosed coveralls includes or may include a moisture barrier. There is no apparent need for coveralls for a welder to include a moisture barrier.

La Marre *et al.* discloses that the main body of the disclosed jacket, which also is for a welder, is "fabricated of white duck material, e.g. 100 percent cotton weighing 7 1/2 ounces per square yard (column 2, lines 41 through 43) and that a portion of the back is "open for ventilation" (column 2, line 1). La Marre *et al.* does not disclose or suggest that the disclosed jacket includes or may include a moisture barrier or a thermal barrier. Here, again, there is no apparent need for coveralls for a welder to include a moisture barrier.

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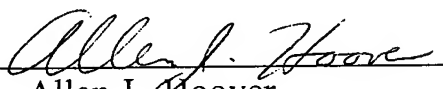
AMENDMENT

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The undersigned attorney submits, therefore, that the independent claims, as amended, and their dependent claims remain allowable. The undersigned attorney solicits their allowance.

Respectfully submitted,

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August 30, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	William L. Grilliot <i>et al.</i>)	
Application:	10/790,392)	Gary L. Welch
Filing Date:	March 1, 2004)	Primary Examiner
Docket No.:	MOR3334P1071US)	Art Unit 3765

AFFIDAVIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

William L. Grilliot and Mary I. Grilliot, both being duly sworn, make the following averments:

1. They are the inventors named in the application noted above and are two of three inventors named in Patent No. 6,766,375 B2 and in Publication No. US 2004/0019957 A1, by which the application for Patent No. 6,766,375 B2 was published, as filed, and they are familiar with the disclosures in the application noted above, in Patent No. 6,766,375 B2 and in Publication No. US 2004/0019957 A1.

2. They are familiar with the disclosures in Patent No. 6,662,375 B2 and in Publication No. US 2003/0204894 A1, by which the application for Patent No. 6,662,375 B2 was published, as filed. Patricia Lewis, who is the sole inventor named in Patent No. 6,662,375 B2 and in Publication No. US 2003/0204894 A1 is the third inventor named in Patent No. 6,766,375 B2 and in Publication No. US 2004/0019957 A1.

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3. As contrasted with the disclosures in Patent No. 6,662,375 B2 and in Publication No. US 2003/0204894 A1, which do not disclose that the material of the anterior head-covering portion of the disclosed hood may be heat-reflective or may be aluminized, Patent No. 6,766,375 B2 and in Publication No. US 2004/0019957 A1 disclose that the material of the anterior head-covering portion of the disclosed hood is heat-reflective and, further, may be aluminized so as to be heat-reflective.

4. The disclosures in Patent No. 6,766,375 B2 and in Publication No. US 2004/0019957 A1 that the material of the anterior head-covering portion of the disclosed hood is or may be heat-reflective and, further, may be aluminized so as to be heat-reflective are their own work.

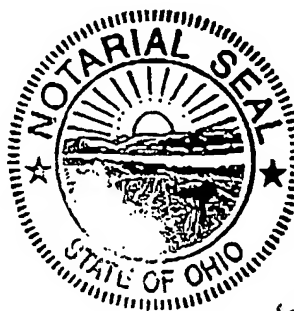
~~Respectfully submitted,~~

William L. Grilkoff

Mary I. Gilliot

State of Ohio)
) ss.
County of Montgomery)

Subscribed and sworn to before me, by
William L. Grilliot and Mary I. Grilliot,
on AUGUST 30, 2005



PATRICIA BRIGHT
Notary Public
In and for the State of Ohio
My Commission Expires
January 16, 2008

Patricia Bright